

**IN THE CLAIMS:**

Cancel claim 2 without prejudice or disclaimer.

Please amend claim 1 as shown below:

Claim 1 (Currently Amended): A toner ~~consisting of either a black toner or a color toner~~ for use in an oil-less fixing system free from an oil coating on a fixing roller, the toner comprising:

a binder resin and a wax, as well as carbon black having an oil absorption of 50 to 100 mL/100g where the toner is ~~the~~ a black toner, or a binder resin and a wax as well as a coloring agent where the toner is ~~the~~ a color toner,

wherein said binder resin has a rate of decrease of storage elastic modulus  $G'$  of not more than 0.3 Pa/C as determined in association with temperature increase in the range of 160 to 200°C and a weight average molecular weight  $[M_w]$  in the range of 10,000 to 200,000 and an  $[M_w/M_n]$  ratio between  $[M_w]$  and a number average molecular weight  $[M_n]$  of the binder resin in the range of 3 to 12.

Claim 2 (Canceled)

Claim 3 (Previously Presented): A toner according to Claim 1, wherein said binder resin has a peak rate of decrease of the storage elastic modulus  $G'$  in the temperature range of 70 to 100°C.

Claim 4 (Original): A toner according to Claim 1, wherein a content of said wax is not more than 10 parts by weight based on 100 parts by weight of said binder resin.

Claim 5 (Original): A toner according to Claim 1, wherein said toner is the black toner, said binder resin is a polyester resin, and said wax is a Fischer-Tropsh wax.

Claim 6 (Original): A toner according to Claim 1, wherein said toner is the black toner and used for forming a color image.

Claim 7 (Original): A toner according to Claim 1, wherein said toner is the color toner and said binder resin contains a styrene-acryl resin, polyester resin, epoxy resin or phenol resin.

Claim 8 (Previously Presented): A toner according to Claim 2, wherein said binder resin has a peak rate of decrease of the storage elastic modulus  $G'$  in the temperature range of 70 to 100°C.